

Members of the 2009 Judiciary Committee,

My name is Kelly Sondeno and I live at 40 Gebo Road in Fromberg, Mt. I hope you will take my written testimony and the supporting evidence into consideration as you decide on whether to pass SB 221 forward to the floor for discussion.

I do not know any of you personally but all of you have heard about me from earlier testimonials from some of the proponents in favor of SB 221. First, I would like to give you a brief background of myself. Contrary to statements of what others would lead you to believe, I am not crazy nor do I have a mental problem with the hoarding of companion animals.

I am the founder of a companion animal rescue called Great and Small Safe Harbor Rescue for Animals or Safe Harbor. Safe Harbor was established in August of 2002. We were the original and first rescue group to work with the Billings Animal Shelter to any large degree. Safe Harbor worked with the Billings Animal Shelter (BAS) to adopt out their shelter animals that were on the "kill list". These animals were at the end of the line.....not bad cats or dogs.....just ones whose time had run out. Our original agreement was to take the animals from the BAS, adopt the pets out at the local PetsMart, and then, give the adoption money back to the BAS. This was supposed to be a win-win situation for both Safe Harbor and the BAS. We adopted the animals out for a set price.....normally \$70.....and then we would pay the BAS the price they would have normally charged the public if they had done the adoption themselves....\$30 for a spayed or neutered animal.....\$70 for an unaltered one. In addition, PetsMart Charities would match each adoption with a \$5 donation that went directly to the BAS. In itself, it doesn't sound like much, but it added up to between \$8000-\$10,000 for the years we were actively involved. None of these donations were ever given to Safe Harbor. Another understanding we had with the BAS is how they would help us with pet food from their donations when they had extra.....it very rarely happened and then completely stopped. In the beginning, there were times we would take to the BAS adoption money of \$500-600 a week. Unfortunately, relations between the BAS and Safe Harbor became strained when we received sick cats from them. I've enclosed several articles that speak of the history between the BAS and myself. I do not claim to be a saint, but what I refer to as a difference of opinions between animal welfare and animal control philosophies; they, meaning the BAS and HSUS, took to a whole different level by making it a personal attack against me and Safe Harbor.

In the nine years I have been actively involved in the rescue and rehoming of companion animals in Yellowstone and Carbon Counties, I have done the following:

- 1) Financially supported the first spay/neuter clinic in Yellowstone County, held at Garfield School in 2002. The BAS contributed \$500, Yellowstone County contributed banquet tables, HSUS showed up and my husband and I contributed over \$6500. The money we donated to this project was from the restitution we received off the theft of our horses. Almost 700 animals were done during those two days in August and the credit was spread equally among all the rescue groups.
- 2) Adopted out over 1400 cats and dogs from 2002 to 2005.
- 3) Helped people in need with emergency vet bills and spays and neuters.
- 4) Organized large pet adoption events at the local Billings PetsMart to promote responsible pet ownership, adoption, and information about anything needed by the public about animals.
- 5) Did grade school presentations on pet education and dog bites. I took to the schools, dogs that had been on the "kill list", and showed how some of the worst just need a second chance.

- 6) One of the co-founder of All for Animals. For the last two years, we have held fund raisers to raise money to buy dog and cat food to give to the local senior citizens and mental health organizations. All we do is raise the money, and then, buy and deliver the food. The organizations we give to make the decision on whom of their clients to help.
- 7) Been present at many of the Billings City Council meetings (well documented) to question policy and procedure of the BAS concerning ordinance changes, policy violations, missing donation monies and I supported the current privatization of the BAS. I have over 1200 pages of emails requested from the City of Billings (in accordance with the Freedom of Information Act) concerning myself of which I am still waiting for. These are emails from 2005 to 2008 from individuals in and out of the City of Billings who have tried shutting me and Safe Harbor down.
- 8) I was on the board of the original fundraising committee for the new Billing Animal Shelter. The first fundraiser was held during our pet adoptions at PetsMart. I did not agree with much of what was done or how or where the donated money was spent, but I shut up most of the time because a new shelter was really needed.
- 9) Last and most important and it has nothing directly to do with animal rescue, I was a main proponent for the passing of HB 272 in 1995. It was a labor bill passed in a Republican legislature and done so because it was the right thing to do. You do not take the tips from a bunch of banquet waitresses without a fight.

I have never been on any type of welfare and I have claimed unemployment only once in my life. I have been in three major lawsuits; the first being against the Billings Holiday Inn (I won), the second against the Billings Olive Garden (I won and it was appealed all the way to Washington DC and I still won) and the third, and the toughest, was the criminal trial of the theft of my horses in 2000. I won that also and received a small restitution. In the first two cases.....no money was involved.....it was just on the principles of the big guy beating up the little guy.

There are two major points I want to make on SB 221. They are as follows:

- 1) Recidivism is a word used through out the proponent's testimony and if I understood it correctly, if one was accused or convicted of hoarding, a court ordered mental evaluation needed to be done so help could be given, otherwise the accused/convicted person would go back to the way they were. Again, if I understand correctly, all four points of the criteria needed to be met, but who decides if a person is a hoarder? My neighbor, Mrs Anderson, accused me of being a hoarder, but I was never asked to take a mental evaluation by either the Carbon County Attorney or my Defense Council. They did not think I needed one. In fact, the only ones who made an issue out of it were the HSUS and Dave Paulie. Throughout Mrs Anderson's testimony to the Judiciary Committee, I mainly heard about the barking dogs and how they didn't bother her or her husband or the town of Fromberg, but of how Mrs Kilwine, the neighbor directly below our property, had to endure the dogs' barking. First, my husband and I have lived at the current property since 1989. Kilwines' moved in four or five years later with full knowledge that we had dogs. The dogs do not bark 24/7.....many people, including the ex-county attorney, my defense attorney and my current attorney have been to our place and noted that while the dogs bark when they first arrived, they then quieted down. We live on a hill with cliffs behind us and it acts as a natural amphitheater. Our place is the last in line on a dead end road and the nearest neighbor is almost a block or more down the hill. So still, the neighbor(s) and the HSUS continue to accuse me of being a hoarder with absolutely no scientific proof other than their own personal testimonies. Which leads to, how does the HSUS and Yellowstone County justify putting a person in charge of the Kapsa dogs, when she, herself, could be seen as an enabler to a convicted embezzler who was mentally evaluated (sealed) and then had to get rid of the majority of her cats. If someone was ordered by the court to only have five cats and the rest be adopted out.....what does that say? (Copies of court transcripts enclosed) I see a conflict of interest. Even though the convicted person is not directly working on the current Kapsa case (but was present during the raid) and is still

on probation, the HSUS has been fully aware and supportive, including financially, of the arrangement between Ms Schaeffer and the convicted roommate, who is also a board member of her Cat Rescue and as I recall, maybe was a past president. I do not know if this person has a hoarding problem. Still, while the courts saw something, the HSUS has completely disregarded it. So, for the HSUS to consider they are the authority on hoarding and to operate under "the color of law" throughout the state, it would seem to me that they have put their credibility in serious jeopardy.

So, I return to my original question, who decides if a person is a hoarder? Everyone testifying before the committee claims to be an expert, but I did not hear of one mental health expert, just a lot of personal opinions with personal agendas. The way SB 221 is written so far, it would be enforced by the by law enforcement of the state or their agents.....which could be the HSUS and I am not really sure of what scientific criteria they are using other than their own personal opinions.

I have never met Mrs Anderson and yet she is an authority on my being a hoarder. When my neighbors went to the Carbon County Commissioners in 2005 with complaints about Safe Harbor, it was concerning my bid for taking animals from Yellowstone County, which showed in an article in the Billings Gazette. Apparently, some of the neighbors were led to believe that I was going to have around 200 dogs and thousands of cats at our facility. The original bid is still at the Yellowstone County Courthouse and it had nothing to do with my taking anymore animals. Then, Carbon County Commissioner minutes state, according to the neighbors, that my place smelled horribly of dead animals and their waste, of how one of the neighbors, who had cows behind us, had shot four of the dogs for his chasing livestock and of how the animals were starving to death. There were no dogs shot....ever, nor was any proof provided except in the first verbal accusation. The rescues were never loose to chase livestock. There was a dead animal smell.....it came from the dead cow behind our place which belonged to the person who said he shot our dogs. I have pictures of it with the brand. Concerning the animal feces smell, the first evaluation from the HSUS did not mention it. I did have some seriously ill cats that I had just brought in and I will admit to making a mistake of mixing them with my population. These cats came from a foster home of another group and the other group had abandoned these cats. This other group has been consistently protected by the HSUS.

When I requested the evaluation from the HSUS, it was for any ideas they could give me, where I might find grants and if they might be able to help. I had a business plan, a SOP and was ready to apply for my federal non-profit status. Obviously, their idea of helping was to make it as hard as possible for me to continue. I won't go into details, but it was pretty obvious I wasn't on their we'll help you list. At the end of this written testimony, I will include a few phone numbers that will verify that fact.

- 2) During further testimony, it was brought up of the financial hardships suffered by the communities with hoarding cases. I do not know what has happened in other communities, so I will only comment on the Yellowstone and Carbon County areas. I will say that I listened with something akin to disbelief to the raw emotions of the Yellowstone Deputy County Attorney testifying. No disrespect intended to her, but in June of 2005, Yellowstone County took the cheap way out with their Animal Control, took it away from the city of Billings and turned it over to the private sector. In doing so, they put county residents in the position of having no where to turn in strays or abandoned animals and created a huge gap in public service for Yellowstone County and the City of Billings.....all over a \$5000 increase in what the county had to pay the city. Private rescues got flooded, the city turned away county animals, and people didn't know where to look for their lost pets or who to call.....on and on. Yellowstone County didn't lose any sleep in shutting down services for animal control over a small amount of money or worry about what would happen to the animals, but now they

are crying about all the money for the current Kapsa situation they have had to deal with recently? The donations they have received so far will only cover a portion of what they will eventually spend with this trial. They recently had to take more money from their coffers to cover what they have spent so far.....but my question is, how much has the HSUS donated from what they have taken in over the Kapsa raid to cover the counties costs or for that matter.....for any of the cities and counties bearing the costs of these huge animal cases? Many people do not understand that the HSUS does not operate any type of shelter in the United States. They were recently under fire with the Michael Vick pit bulls.....for actually asking for money for the dogs when they never were going to have anything to do with them in the first place. With the Camp Collie situation, how come so many of the Billings rescue groups ended up with the Preifert Kennels and the kennels never stayed in Great Falls? I never got one but I know of many who did. What the HSUS does is profit over people's hardships.....it doesn't matter if it is an individual or city or county. In order for them to look like the good guy, there has to be a bad guy.....and they don't have any problems creating one if they need to.

I would like to leave you with these final thoughts on SB 221. The laws are already in place to deal with any animal hoarding or animal cruelty situation.....they are just not enforced. "One of the greatest delusions of the world is the hope that the evils of the world are to be cured by legislation"

The HSUS and some of my neighbors have accused me of hoarding and animal cruelty. I entered into a deferred prosecution agreement to get my act together within three years. No where in the agreement did it say that the evidence was there to where the state had the evidence to convict me. The HSUS was never involved in the agreement for a reason. There is a letter from Dave Paulie to the then County Attorney, Bob Eddleman on August 8, 2006. In the paragraph toward the bottom of the page, it reads "Now outside groups and individuals continue to allege that continued cruelty, poor care and inhumane conditions continue on the Sondeno property (after their personal visits). Two other examples include a dog recently presented to a Billings DVM (Dr Amy Lamm of Vet to Go) was positively identified as a stray dog belonging to Ms Sondeno and she (Dr Lamm) collected samples and then humanely euthanized the dog".

This dog's name was KC. She would have been 17 years old and she was in the final stages of renal failure. My husband and I had owned our girl since her birth and I was preparing myself to euthanize her. I was selfish in not wanting to do it because she was still eating, but the bottom line is, she died with someone she did not know. Dave Paulie and one of his people stole this dog off my place and I did not have any clue to where the dog disappeared to until I read this letter four weeks later at my defense attorney's office. It was told to me, through my defense attorney, that Paulie was dirty. It was also said that Paulie was told by the Carbon County Attorney "that he was lucky he wasn't being charged with felony theft". This is why the HSUS had nothing to do with my agreement with the county. When I confronted Paulie about getting the dog's body back, he denied that it was my dog. Unfortunately for Mr Paulie, the vet had already admitted it was my dog to the Carbon County Attorney and who had brought it to her.

One last comment, I have one year and a few months left on my agreement. I was underfunded, that was my crime and I took responsibility for all of my actions. When I asked for help, they shoved me under the train. Because they couldn't beat me in court, I have had nine dogs and over 100 cats stolen from the Fromberg property. They have cut up fences and kennels, vandalized surveillance cameras and personal property and some of the Paulie protected groups, have actually sold the stolen cats over the internet for their own profit. So, who is the criminal here.....

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References; Steve Theusen Attorney 446-2043    Penny Strong Attorney 672-4861